

ZTP 97 P 413



GP3624

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jürgen Hirath  
Applic. No. : 09/174,042  
Filed : October 16, 1998  
Title : Heat-Insulated Wall  
Examiner : Jerry A. Anderson  
Group Art Unit : 3624

R E S P O N S E

Hon. Commissioner of Patents and Trademarks,  
Washington, D. C. 20231

S i r :

Responsive to the Office action dated December 7, 1999, the following remarks are made:

Reconsideration of the application is requested.

Claims 1 to 12 remain in the application. Claims 1 to 12 are subject to examination and claims 13 and 14 have been withdrawn from examination.

In item 1 on page 2 of the above-identified Office action, claims 1 to 7, 11 and 12 have been rejected as being fully anticipated by Parker (U.S. 648,632) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Claim 1 calls for, *inter alia*, a heat insulated wall, including:

an evacuatable heat insulating material;

two outer covering layers having contours and disposed at a distance from one another, the two outer covering layers connected to one another in a vacuum-tight manner by a connecting profile running along the contours, the two outer covering layers together with the connecting profile enclosing an intermediate space that can be evacuated and filled with the evacuatable heat insulating material, at least one of the two outer covering layers having an aperture formed therein; and

a tube section including two end sections, one of the two end sections having a circumferentially positioned flange-shaped expanded and flattened region fixed in a vacuum-tight manner in the aperture of the at least one of the two outer covering layers.

Clearly, the invention as set forth in claim 1 refers to a vacuum-tight heat-insulating wall.

Parker, in contrast, has simple connection technology between the metal plates that is not suitable for surrounding a vacuum-tight space. The Examiner states that the "board of Parker can be evacuated." However, being able to be evacuated and being "vacuum-tight" as set forth in claim 1 are two different things. Specifically, the first does not anticipate the second. Applicants respectfully believe that vacuum tight connection of Parker's two outer metal plates is not even suitable for a board used to preparing pastry goods.

Furthermore, the configuration of the Parker pipe duct end sections does not permit the tolerance equalization feature of the invention of the instant application (which simply and easily aligns the tube bushing with the apertures of the outer metal surfaces) because the tube bushing end sections of Parker are form-locked into the openings. Contrast page 4, lines 10 to 25, of the specification of the instant application.

Applicants respectfully believe that the Parker pastry board is entirely unrelated to the art of the invention of the instant application, to wit, heat-insulating walls. Parker employs a folding technology that specifically prevents vacuum-tight connection of the metal outer surfaces. Parker also does not provide the tolerance equalization of the invention of the instant application. If such tolerance equalization was applied to Parker, the configuration would

prevent the form-locking introduction of the tube bushing into the apertures of the metal outer surfaces.

The Examiner also rejected the same claims as being fully anticipated by Schmidberger (DE 1 004 207) under 35 U.S.C. § 102 in item 1 on page 2 of the above-identified Office action.

Applicants respectfully believe that Schmidberger is irrelevant to the production of a vacuum-tight connection between a socket and an opening in the jacket surface. Rather, Schmidberger is relevant to the support of two unstable plastic panels against each other. In order to obtain the largest possible support of the two unstable plastic panels against each other, Schmidberger uses flange-shaped windings on tubes. Supporting panels by using flange-shaped windings on tubes is neither relevant to nor provides the tolerance equalization of the invention of the instant application, where bushings are positioned for a vacuum-tight connection on a top surface. Nor are the windings relevant to heat-insulating walls based on vacuum-insulation technology.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The

dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

Insofar as claims 8 to 10 are ultimately dependent upon claim 1, applicants believe that these claims are patentable as well. Thus, applicants respectfully believe that the rejection in item 4 on page 3 of the Office action under Section 103 is moot.

Nonetheless, applicants will discuss the rejection. Therein, the Examiner applies Babbitt (U.S. 1,984,007). Babbitt discloses a heat-insulating wall having an opening at one of its top surfaces into which a cup-shaped form element is introduced for receiving a suction valve. Fig. 3 of Babbitt clearly illustrates the cup-shaped element being centered in the top surface within the opening due to the shape of its conical jacket wall. Because the conical jacket wall already centers the cup-shaped element in the opening of the top surface, the flange-shaped winding at the free end of the conically embodied jacket wall only serves as depth stop. Such a centering function, however, is to be avoided according to the invention of the instant application because it does not equalize tolerance problems. Babbitt impressively documents how the experts in the field of vacuum insulation technology (pertaining to the introduction of bushings and the bushings or reception elements that act in combination

therewith) thought at the time the application was filed, to wit, in 1932. However, such information is entirely outdated when compared to the invention of the instant application.

Nonetheless, the Examiner combines Schmidberger and Babbitt to conclude that the invention of the instant application is obvious. As already explained in detail in the September 21, 1999 amendment, Schmidberger pertains to a refrigerator housing made of individual plastic panels. In the heat-insulating interspace of the housing, the panels have support bodies in the form of tubular spacing elements with a support flange on a front side for reinforcing the individual plastic panels. The issue of vacuum insulation, the associated technology of vacuum insulation, and the density problem associated therewith for disposing bushings at a top surface is entirely foreign to Schmidberger's well-known housing technology. Thus, applicants respectfully believe that the combination of Schmidberger and Babbitt does not obviate the invention of the instant application.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

Concurrently, applicants are filing a supplemental IDS including U.S. Patent No. 2,989,156 to Brooks et al. (hereinafter "Brooks"). The Examiner, in an Office action in another patent application, recently cited this reference. Brooks shows that its art did not influence the experts in the field of vacuum insulation technology. Such showing is evidenced in the fact that the wall, which is based upon vacuum-insulating technology, has a socket vacuum-tightly attached above an opening of a top surface that is in stark contrast with the teachings according to the invention of the instant application. Specifically, Brooks does not have a flange-shaped front side and, therefore, must be positioned in the opening in the top surface with a high degree of precision in order to be able to ensure a vacuum-tight connection between the socket and the top surface. Therefore, applicants respectfully believe that Brooks cannot disclose or suggest the invention of the instant application.

In view of the foregoing, reconsideration and allowance of claims 1 to 12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to  
Sections 1.16 and 1.17 to the Deposit Account of Lerner and  
Greenberg, P.A., No. 12-1099.

Respectfully submitted,

  
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For Applicants

GLM:cgm

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March 6, 2000

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